



Town of Mendon

PREGNANCY AND PREGNANCY-RELATED CONDITIONS POLICY

I. Introduction

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). This law becomes effective April 1, 2018.

II. Purpose and Scope

The purpose of this policy is to provide notice to all employees of their right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy. The Town of Mendon does not discriminate on the basis of pregnancy and pregnancy-related conditions. This policy applies to all Town employees.

III. General Policy Regarding Pregnancy and Pregnancy Related Conditions

The Pregnant Workers Fairness Act makes it unlawful for an employer in Massachusetts to discriminate against an employee due to pregnancy or a condition related to pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. The law updates MGL Chapter 7 57 B, the Massachusetts anti-discrimination law to include these new provisions.

The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

IV. Application of the Pregnant Workers Fairness Act (“the Act”)

The Town will:

1. Upon request for an accommodation, communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it will be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or

experiencing a pregnancy-related condition, without undue hardship to the Town;

2. Accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the Town significant difficulty or expense;
3. Will not require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the Town;
4. Will not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
5. Will not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
6. Will not require medical documentation about the need for an accommodation if the accommodation requested is for: - (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. The Town may, however, request medical documentation for other accommodations.

V. Reporting Procedures

The Town is committed to maintaining a productive work environment free from discrimination. If you believe that you, as an employee, have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the Town. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting Tanya Bureau in Human Resources at Town Hall, 20 Main Street, Mendon (508) 603-9958. In addition, the Town Administrator and your manager are also available to discuss any concerns you may have and to provide information to you about our policy and our complaint process.

When the Town receives the complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. When the investigation is completed, the Town, to the extent appropriate will inform the person filing the complaint the results of the investigation.

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as it deem appropriate under the circumstances.

In addition to the above, if you believe you have been subjected to discrimination, you may file a formal complaint with either or both government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
Government Center
Room 475
Boston, MA 02203
800-669-4000

Massachusetts Commission Against Discrimination (MCAD)	
Boston Office:	Worcester Office:
One Ashburton Place, Rm 601	484 Main Street, Rm 320
Boston, MA 02108	Worcester, MA 01608
(617) 994-6000	(508) 453-9630

VI. Acknowledgement

Massachusetts employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy. Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy-related condition. The attached acknowledgement form is provided to ensure compliance.

Town of Mendon

Acknowledgement Form

(Please complete and return to Human Resources)

This is to certify that I have been provided an individual copy of the Town of Mendon's Pregnancy and Pregnancy-Related Conditions Policy.

Employee Name (Please print)

Signature

Date